

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: ADAPTIVE USE OF NON-RESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS

DATE: January 21, 2010

PURPOSE: To amend the Zoning Ordinance to expand the uses permitted with the approval of a Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts.

STAFF COMMENTS:

The purpose of the Conditional Use Permit for the Adaptive Use of Non-Residential Structures in Residential Districts regulations is to allow for the use of structures, originally constructed for non-residential districts, for selected non-residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and not maintained.

Staff has received requests from several property owners interested in using existing non-residential structures located in residential districts for mixed-use residential and office or residential and retail. Under the existing regulations the structures can only be used for one of the permitted non-residential uses listed in Section 3-3310.B.4. of the *Zoning Ordinance* or for stand-alone residential unit(s) as permitted by the specific residential zoning district. In some cases, it may be appropriate and desirable to have mixed-use in an existing non-residential structure. This amendment would allow, for example, an office, retail or other permitted use to locate on the first floor of a building with residential use above or behind. This will provide more opportunities for infill and productive use of these existing structures and provide for more compact development allowing people to live and work at the same location.

This amendment will also provide the opportunity for stand-alone, multiple residential units within existing non-residential structures within residential districts. In certain locations it may be appropriate to permit two or more stand-alone residential units in an existing non-residential structure. This option will provide for the viable use of existing non-residential structures when non-residential use of the building may not be desirable or feasible.

Approval of this amendment only expands the possible uses of an existing non-residential structure in a residential district to include residential uses with the approval of a Conditional Use Permit. The Conditional Use Permit application process includes public hearings before Planning

and Zoning Commission and City Council with final approval by City Council. As part of the Conditional Use Permit process, a neighborhood meeting will be required, the property will be posted with a notification sign(s) and formal notifications will be sent to property owners within 185 feet of the subject property. The conditional use permit procedure will give the Planning and Zoning Commission and City Council with an opportunity of discretionary review to determine whether the proposed location and structure is appropriate for the use and whether it will be designed and located so as to avoid, minimize or mitigate any potentially adverse effects upon the surrounding neighborhood.

RECOMMENDATION: Staff recommends approval.

STAFF CONTACT PERSON:

Alana D. Owen, AICP
Senior Planner

ATTACHMENT A
PROPOSED AMENDMENT

New text is underlined and deleted text is ~~overstruck~~

Section 3-3300. Conditional Use Permits

3-3310.B.4. Adaptive Use of Non-Residential Structures in Residential Districts

- a. **Purpose.** The purpose of these regulations is to allow for the use of structures, originally constructed for non-residential uses and currently located in residential districts, for selected non-residential, multiple unit residential and mixed non-residential and residential uses provided the review by the Planning and Zoning Commission and City Council determines the proposed use would not have significant adverse impacts on the surrounding neighborhood. The regulations provide opportunities to make productive use of non-residential structures that could otherwise be a blight on the neighborhood if left vacant and are not maintained.
- b. **Permitted Uses.** The following uses may be permitted by a conditional use permit; however, a conditional use permit shall only be approved for the specific use requested in the application. A change to a use not specifically listed in the conditional use permit shall require a new application and review.
 - (1) Beauty parlors and barber shops.
 - (2) Day care centers, in accordance with *Chapter 36, Article XI, Springfield City Code*.
 - (3) Dry cleaning and laundry pick-ups.
 - (4) Elementary and secondary schools and schools or development centers for persons with handicaps or development disabilities.
 - (5) Hearing aid and eye glass shops.
 - (6) Museums, art galleries and libraries.
 - (7) Professional and business offices.

- (8) Retail establishments for the following uses:
bakery, books, candy, flowers, gifts, and hobby
materials.
- (9) Schools and studios for art, dancing, drama, music,
photography, interior decorating, or similar courses
of study.
- (10) Shoe repair.
- (11) Pet Grooming with sales of pet grooming products
allowed as an accessory use (the following are not
accessory to this use and are prohibited: overnight
pet stays, the sale of breeding of pets, kennels,
veterinarian services and outside activities. (G.O.
5425, 11/15/04)
- (12) Residential uses including multiple units, as part of a
mixed use development or as a stand- alone use.